

REMARKS

Upon entry of the instant Amendment, Claims 1, 4, 6-17, 19-30, and 32-40 will be pending. Claims 1, 4, 6, 7, 14, 27, and 39-40 have been amended. Claims 2, 3, 5, 18, and 31 have been canceled.

“Allowable Subject Matter” Per Final Office Action

The Final Office Action dated December 17, 2007 (“Final Office Action”) indicated at Paragraph 13 that Claims 5, 18, and 31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In accordance therewith, Claim 1 has been amended to incorporate the limitations of Claims 3 and 5, and Claims 14 and 27 have been amended to incorporate the limitations of Claims 18 and 31, respectively. The objection at Paragraphs 6-7 of the Final Office Action has also been addressed, with the phrase “is selected from” replaced by “is one of” to more clearly require that *each* of the first and second medical images is *either* a digitized analog image or a digitally acquired image. Claims 39 and 40 have been amended in accordance with the Examiner suggestion at Paragraph 9 of the Final Office Action relating to 35 USC § 101 subject matter. Claims 39 and 40 have each been further amended to recite substantively the same limitations as Claim 14 and Claim 1, respectively, except that Claims 39 and 40 are in computer readable medium format.

Amendments Responsive to In re Bilski (Fed. Cir. Oct. 30, 2008)

Independent Claims 1 and 14 have each been further amended responsive to the *In re Bilski* decision handed down from Federal Circuit after the mailing date of the Final Office Action and relating to patent-eligible subject matter under 35 USC § 101. In particular, the preamble to each of Claims 1 and 14 has been amended to recite, “A computer-implemented method” and “comprising the computer-implemented steps of,” which is believed to cause these claims to satisfy the patent-eligible subject matter requirements of 35 USC § 101 as set forth in *In re Bilski*.

The Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to Deposit Account No. 50-3014. If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to Deposit Account No. 50-3014. If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney. Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

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